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10/601,906	06/23/2003	Keith E. Moore	200208772-1	7574

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EXAMINER	
FRANKLIN, RICHARD B	
ART UNIT	PAPER NUMBER
2181	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/601,906	MOORE, KEITH E.	
	Examiner	Art Unit	
	Richard Franklin	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/11/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 6 and 8 – 41 are pending.

Continued Examination Under 37 CFR 1.114

2. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 11 January 2007 was filed after the mailing date of the Final Office Action on 11 October 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

4. Applicant's arguments filed 11 January 2007 have been fully considered but they are not persuasive.

As per the rejection of claims 1, 27, 32, 33, and 38, Applicant argues that the relied upon reference, US Patent No. 6,988,074 (hereinafter Koritzinsky), does not teach establishing an interactive communication between the user at the printer and the remote location during the same communication session as the submission of the request for assistance (See remarks; Pages 9 – 11). However, the Examiner respectfully disagrees. Koritzinsky specifically teaches wherein the circuitry in the system "facilitates the exchange of service data between the diagnostic systems and a remote service facility, which is preferable implemented in an interactive manner to provide regular updates to the diagnostic system of service activities" (Col 11 Lines 49 – 54). Also, even though Koritzinsky teaches that the diagnostic system *may* disconnect from the service facility after sending a service request message (Col 16 Lines 61 – 63), Koritzinsky teaches that alternatively, "additional messages, service requests, and so forth may be transmitted, or other remote activities may be performed at this stage" (Col

16 Lines 63 – 65). This suggests that no disconnection is made so further communications can take place between the diagnostics system and the remote service facility. Koritzinsky also teaches sending a service request from a printer to a remote service center (Figure 15 Item 364, Col 22 Lines 3 – 5). The remote service center then checks support subscription information to make sure that the user is authorized for the support. If authorization for a fee is required, the service center transmits an interactive page to the printer for ordering or authorizing the required fee arrangement (Figure 15 Items 380 and 384, Col 23 Lines 1 – 7). The ordering or authorization of fees is an interactive communication because the service center transmits the interactive page and the user authorizes payment. Therefore, Koritzinsky teaches an interactive communication in the same communication session as the request for support.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 2, 4 – 5, 10 – 11, 18, 21 – 23, 25 – 28, 32 – 35, 38, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,988,074 (hereinafter Koritzinsky).

As per claims 1, 27, and 32 – 33, Koritzinsky teaches receiving an affirmative request for assistance from a user of a printer (Figure 13 Item 282); said request having been triggered by the user engaging a button on the printer (Figure 8 Item 216, Col 13 Lines 55 – 58); generating and transmitting a request for assistance to a remote support location in response to the users request (Figure 12 Item 268, Figure 13 Item 306, Col 16 Line 44); providing an indication to the user that a request for assistance has been transmitted (Figure 6 Item 190, Col 14 Lines 47 – 51, Col 16 Lines 46 – 53); and during the same communication session as the submission of the second request, establishing an interactive communication between the user at the printer and the remote support location (Figure 15 Item 380, Col 11 Lines 49 – 54, Col 23 Lines 1 – 7).

As per claims 2 and 34, Koritzinsky also teaches verifying authorization of the user (Figure 12 Item 254, Col 15 Lines 54 – 65).

As per claims 4 and 5, Koritzinsky also teaches wherein the verification occurs at the printer or the remote location (Co 22 Lines 27 – 29).

As per claims 10 and 41, Koritzinsky also teaches wherein the interactive communication includes allowing the remote location to interrogate the printer (Col 22 Lines 44 – 47).

As per claim 11, Koritzinsky also teaches wherein the interactive communication includes establishing a service call (Figure 10 ["You should receive a response from an engineer within five (5) minutes"], Col 18 Lines 6 – 10).

As per claim 18, Koritzinsky also inherently teaches wherein the remote location includes a service establishment independent from the owner of the printer because Koritzinsky refers to service contracts between the printer and remote location and fees that apply to the service (Col 21 Lines 23 – 39). Since the printer must pay the remote location for service, it is inherent that independent owners own the printer and remote location.

As per claim 21, Koritzinsky also teaches wherein the request includes information pertaining to characteristics of a print job being processed (Col 13 Lines 43 – 49, Col 17 Lines 56 – 58).

As per claim 22, Koritzinsky also teaches wherein the request includes information pertaining to the physical status of the printer (Col 13 Lines 2 – 28).

As per claim 23, Koritzinsky also teaches wherein the request includes identification information of the printer (Col 16 Lines 28 – 31).

As per claim 25, Koritzinsky also teaches where the service request includes image data files, which are visual information (Col 17 Lines 56 – 58).

As per claim 26, Koritzinsky also teaches wherein the remote location is protected by a firewall (Figure 4 Item 138, Col 7 Lines 18 – 22, Col 9 Lines 39 – 41).

As per claims 28 and 35, Koritzinsky also teaches receiving a response from the remote location (Figure 6 Item 190, Col 14 Lines 47 – 51, Col 16 Lines 46 – 53); and conducting an interactive communication between the user and the remote location (Col 23 Lines 1 – 7).

As per claim 38, Koritzinsky teaches receiving an affirmative request for assistance from a user of a printer (Figure 13 Item 282); the request having been triggered by the user engaging a button on the printer (Figure 8 Item 216, Col 13 Lines 55 – 58); and during the same communication session as the request, establishing an interactive communication between the user at the printer and the remote support location over a communications network (Col 11 Lines 49 – 54, Col 23 Lines 1 – 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3, 9, 30, 36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,988,074 (hereinafter Koritzinsky) in view of Microsoft Computer Dictionary Fifth Edition (hereinafter Microsoft).

As per claim 3, Koritzinsky teaches the communications system as described per claim 1 (see rejection of claim 1 above).

Koritzinsky does not teach wherein user authorization includes biometric authentication.

However, Microsoft teaches biometric authentication as a way to recognize the identity of an individual (Microsoft; Page 59 – 60, Biometric definition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include biometric authorization because doing so allows for the system to have the highest level of security (Microsoft; Page 59 – 60, Biometric definition).

As per claims 9, 30, 36, and 40, Koritzinsky teaches the communications system as described per claims 1, 27, 33, and 38 above (see rejection of claims 1, 27, 33, and 38 above). Koritzinsky teaches where interactive communications are performed using telephone communications (Koritzinsky; Col 18 Lines 6 – 10).

Koritzinsky does not teach wherein the interactive communication is performed using Voice over IP (VoIP).

However, Microsoft teaches using VoIP as an alternative to telephone communications (Microsoft; Page 557, VoIP definition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to use VoIP because doing so is an inexpensive alternative to traditional telephone communications (Microsoft; Page 557, VoIP Definition).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,988,074 (hereinafter Koritzinsky) in view of US Patent No. 6,862,583 (hereinafter Mazzagatte).

As per claim 6, Koritzinsky teaches the system of claim 1 (see rejection of claim 1 above).

Koritzinsky does not teach wherein the remote location is a computer that sends a print job to the printer; that the print job is suspended until the user is physically at the printer; and that the request for assistance includes a verification that the user is physically at the printer.

However, Mazzagatte teaches a secure printing system in which print jobs are suspended until the user is physically at the printer (Mazzagatte; Col 9 Lines 32 – 35); the user of a printer is authenticated (Mazzagatte; Figure 7A Items S701 – S703, Col 10 Lines 65 – 67); sending a request for assistance to a print node (Mazzagatte; Figure 1 Item 40) that verifies that the user is at the printer (Mazzagatte; Figure 7A Item S705); receiving a print job for the user from the print node (Mazzagatte; Figure 7A Item S710).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include secure printing because doing so would allow the user to print confidential information on a network printer over a network and prevent unauthorized viewing of the printout (Mazzagatte; Col 1 Lines 17 – 21).

8. Claims 8, 12, and 14 – 16, 29, 31, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,988,074 (hereinafter Koritzinsky) in view of US Patent Application Publication No. 2002/0140966 (hereinafter Meade).

As per claims 8, 29, and 39, Koritzinsky teaches the system of claims 1, 27, 28, and 38 (see rejection of claims 1, 27, 28, and 38 above).

Koritzinsky does not teach wherein the interactive communication is conditioned on authorization of the remote location.

However, Meade teaches authorizing the remote location before communications are executed (Meade; Paragraph [0045] Lines 2 – 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include the remote location authorization because doing so allows the user to decide to communicate with the remote location or not.

As per claims 12, 31, and 37, Koritzinsky teaches the system of claims 1, 27, and 33 (see rejection of claims 1, 27, and 33 above).

Koritzinsky does not teach wherein the printer acts as a gateway to at least another device that is connected to it; and the request includes information of the other device.

However, Meade teaches wherein the printer (Meade; Figure 3 Item 302) acts as a gateway to a host computer (Meade; Figure 3 Item 304); and the request includes information about the host computer (Meade; Paragraph [0045] Lines 2 – 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include the

gateway because doing so allows for the other device to send information to the remote location.

As per claim 14, Meade also teaches wherein the other device is a consumer electronic device (Meade; Figure 3 Item 304 [computer]).

As per claim 15, Meade also teaches receiving requested information in response to a user-initiated download request (Meade; Paragraph [0056]).

As per claim 16, Meade also teaches where the other device is a computer (Meade; Figure 3 Item 304); and receiving an updated driver for the computer and sending the driver to the computer (Meade; Figure 4 Item 426).

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,988,074 (hereinafter Koritzinsky) in view of US Patent Application Publication No. 2002/0140966 (hereinafter Meade) and further in view of Microsoft Computer Dictionary Fifth Edition (hereinafter Microsoft).

As per claim 13, Koritzinsky in combination with Meade teaches the system as described per claim 12 (see rejection of claim 12 above).

Koritzinsky in view of Meade does not teach that the other device is a print spooler.

However, Microsoft teaches attaching a print spooler to a printer to feed the printer jobs (Microsoft; Page 421 – 422, Print Spooler definition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky in combination with Meade to include the print spooler because doing so allows a print job to be held until the printer is ready for it (Microsoft; Page 421 – 422, Print Spooler definition).

10. Claims 17, 19 – 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,988,074 (hereinafter Koritzinsky) in view of US Patent No. 6,876,819 (hereinafter Sawada).

As per claim 17, Koritzinsky teaches the communications system as described per claim 1 above (see rejection of claim 1 above).

Koritzinsky does not teach wherein before transmitting, the system attempts to locally resolve a problem at the printer; and transmitting the service request in response to a failure of local resolution.

However, Sawada teaches waiting a predetermined time period to transmit a service request in which the user can attempt to resolve the error at the printer. If the error is not resolved after the time period, the service request is transmitted to the service center (Sawada; Col 7 Lines 9 – 35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include

attempting to solve the problem locally because doing so allows the user to quickly resolve minor errors in the system without calling for help from the support center (Sawada; Col 11 Lines 15 – 27).

As per claims 19 and 20, Koritzinsky teaches implementing the system of claim 1 in a medical scanner (see rejection of claim 1 above).

Koritzinsky does not teach implementing the system in a facsimile machine or a copier.

Sawada teaches implementing a service call system in a copier and facsimile machine (Sawada; Col 4 Lines 18 – 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to be implemented in a copier or facsimile machine because all of them have an image forming device that requires frequent maintenance (Applicants Admitted Prior Art; Specification Page 1 Lines 1 – 2).

As per claim 24, Koritzinsky teaches the communications system as described per claim 1 above (see rejection of claim 1 above).

Koritzinsky does not teach wherein the system provides an indication of unavailability while the printer remains out of service.

However, Sawada teaches providing an indication of unavailability while the printer remains out of service (Sawada; Col 4 Lines 38 – 44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include an indication of unavailability because doing so clearly notifies the user of the occurrence of an error (Sawada; Col 4 Lines 38 – 44).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Franklin whose telephone number is (571) 272-0669. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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